

Charles M. Lizza
William C. Baton
SAUL EWING LLP
One Riverfront Plaza
Newark, New Jersey 07102
(973) 286-6700
clizza@saul.com

*Attorneys for Plaintiff
Celgene Corporation*

James S. Richter
WINSTON & STRAWN LLP
The Legal Center
One Riverfront Plaza, 7th Floor
Newark, New Jersey 07102
(973) 621-2230
jrichter@winston.com

*Attorneys for Defendant
Barr Laboratories, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CELGENE CORPORATION,

Plaintiff,

v.

BARR LABORATORIES, INC.,

Defendant.

)
)
) **Civil Action No. 07-286**
)
) **Hon. Susan D. Wigenton, U.S.D.J.**
) **Hon. Madeline C. Arleo, U.S.M.J.**
)
) **(Filed Electronically)**
)
)
)

STIPULATION AND [PROPOSED] ORDER OF CONSOLIDATION

WHEREAS, Celgene Corporation ("Celgene") brought Civil Action No. 07-286 against Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. for infringement of certain patents owned by Celgene;

WHEREAS, Celgene and Children's Medical Center Corporation ("CMCC") have brought Civil Action No. 08-3357 against Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. ("Barr") for infringement of certain patents owned by Celgene and CMCC;

WHEREAS both actions relate to Barr Laboratories, Inc.'s submission of Abbreviated New Drug Application No. 78-505 to the United States Food and Drug Administration;

WHEREAS the parties have stipulated to the dismissal of Barr Pharmaceuticals, Inc. from Civil Action No. 07-286;

WHEREAS the parties have stipulated to the dismissal of Barr Pharmaceuticals, Inc. from Civil Action No. 08-3357;

WHEREAS the parties have agreed to consolidate Civil Action Nos. 07-286 and 08-3357;

WHEREAS the parties have stipulated to the consolidation of Civil Action Nos. 07-286 and 08-3357 under Civil Action No. 07-286;

WHEREAS good cause exists to consolidate Civil Action Nos. 07-286 and 08-3357;

NOW THEREFORE, the parties stipulate to the following:

Subject to the approval of this Court, Civil Action Nos. 07-286 and 08-3357 shall be consolidated pursuant to Fed. R. Civ. P. 42(a) under Civil Action No. 07-286 (the "Consolidated Actions");

All papers in both actions shall be maintained in the 07-286 Action;

All claims brought against Barr Pharmaceuticals, Inc. in the Consolidated Actions shall be dismissed without prejudice;

Barr Pharmaceuticals, Inc. shall be bound by any judgment against Barr Laboratories, Inc. in the Consolidated Actions;

Barr Pharmaceuticals, Inc. shall provide substantive discovery in its possession, custody and/or control in response to Celgene's discovery requests to Barr Laboratories, Inc. or as otherwise directed by the Court;

Barr shall file and serve an answer to Celgene's and CCMC's Complaint in Civil Action No. 08-3357 on or before August 13, 2008; and

The caption for the Consolidated Actions shall be changed to the following:

CELGENE CORPORATION,

Plaintiff,

v.

BARR LABORATORIES, INC.,

Defendant.

Civil Action No. 07-286 (SDW)(MCA)

Hon. Susan D. Wigenton, U.S.D.J.

Hon. Madeline C. Arleo, U.S.M.J.

CELGENE CORPORATION and
CHILDREN'S MEDICAL CENTER
CORPORATION,

Plaintiffs,

v.

BARR LABORATORIES, INC.,

Defendant.

Civil Action No. 08-3357 (SDW)(MCA)

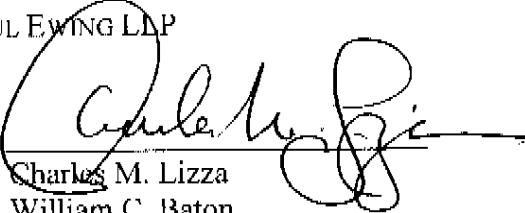
Hon. Susan D. Wigenton, U.S.D.J.

Hon. Madeline C. Arleo, U.S.M.J.

Dated: July 25, 2008

SAUL EWING LLP

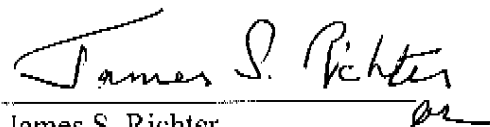
By:


Charles M. Lizza
William C. Baton
SAUL EWING LLP
One Riverfront Plaza
Newark, New Jersey 07102
(973) 286-6700
clizza@saul.com

*Attorneys for Plaintiff
Celgene Corporation and
Children's Medical Center Corporation*

WINSTON & STRAWN LLP

By:


James S. Richter
WINSTON & STRAWN LLP
The Legal Center
One Riverfront Plaza, 7th Floor
Newark, New Jersey 07102
(973) 621-2230
jrichter@winston.com

James E. Cecchi
Lindsey H. Taylor
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN, PC
Roseland, New Jersey 07068
(973) 994-1700

OF COUNSEL:

F. Dominic Cerrito
Daniel L. Malone
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

Daniel E. Reidy
JONES DAY
77 West Wacker Drive
Chicago, Illinois 60601
(312) 269-4140

Richard G. Greco
Benjamin C. Hsing
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
(212) 836-8500

*Attorneys for Plaintiff
Celgene Corporation*

Lisa J. Pirozzolo
WILMER CUTLER PICKERING HALE
AND DORR, LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

*Attorneys for Plaintiff
Children's Medical Center
Corporation*

George C. Lombardi
Bradley C. Graveline
Maureen L. Rurka
Kevin E. Warner
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, Illinois 60601
(312) 558-5600

*Attorneys for Defendants
Barr Laboratories, Inc. and
Barr Pharmaceuticals, Inc.*

SO ORDERED this 28 day of July, 2008

M. C. Arleo
HON. MADELINE C. ARLEO, U.S.M.J.